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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/766,859	01/30/2004	Makoto Misawa	1341.1179	3921

21171 7590 08/09/2007  
STAAS & HALSEY LLP  
SUITE 700  
1201 NEW YORK AVENUE, N.W.  
WASHINGTON, DC 20005

EXAMINER
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LONG, ANDREA NATAE

ART UNIT	PAPER NUMBER
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2176

MAIL DATE	DELIVERY MODE
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08/09/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/766,859

Applicant(s)

MISAWA, MAKOTO

Examiner

Andrea N. Long

Art Unit

2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Applicant's Response*

1. Claims 1-9 are currently pending in the application. Claims 1-3, 5, and 8-9 were amended. The amending of the specification to include a description of reference character 121 of Fig. 5 now renders the objection to the drawings moot. The objection of claim 5 being "not grammatically correct" has been withdrawn due to the amendment.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Emmanuel Bagnus (US Patent 5805163), hereinafter "Bagnus".

**As to independent claims 1, 8, and 9** Bagnas discloses an *object display device, method and computer program product comprising:*

*a visibility determining unit that determines whether a first object to be handled in a window on a screen hides a second object that has been displayed in the window on the screen* (column 2 lines 11-14, column 3 lines 49-55, column 4 lines 53-56). Bagnas teaches this limitation by displaying a first window with a second window overlapping the first window. He

further teaches logic that discloses determining corresponding grid of pixels of the monitor with the overlapping grid of pixels; *and*

*an appearance changing unit that changes, depending on determination by the visibility determining unit, appearance of the first object so that the second object becomes visible*

(column 2 lines 15-16, column 3 lines 55-57 and 66 through column 4 line 1). Bagnas teaches this limitation with the second window that is hiding the first window being transparent, so that information within the first window is visible. While Bagnas does not explicitly state that the objects (windows) are in a window on the screen, he does shed light that desktop icons as found in Microsoft Windows 95 can be viewable even under a window (column 4 lines 11-15, Figure 3). It is reasonably suggestive to one skilled in the art that if a desktop icon is present, then it exist on a desktop, which is a window in itself that acts as an on-screen work area. Therefore it would have been obvious to one skilled in the art at the time the invention was made for a desktop window to have been present on the screen acting as a main window to ease interaction with multiple applications.

**As to dependent claims 2 and 3**, note the discussion above, Bagnas teaches a *first object* (window). However, Bagnas does not explicitly teach *a first object being added in the window on the screen or moved in the window on the screen*. Bagnas does imply however that it is well known in the art to have windows moved within an environment and to be opened (launched), which is equivalent to added to a display within an environment (column 1 lines 30-47).

Therefore it would have been obvious to one skilled in the art at the time the invention was made to have incurred that the window hiding other windows would be one that was added

or moved on the screen which conforms to normal procedures and operations of modifying, opening, and closing windows in most computer environments.

**As to dependent claim 4**, Bagnas teaches *wherein the visibility determining unit determines whether the first object hides the second object, based on a position of the first object and the second object* (column 2 lines 15-16 → taught as the overlapping of one window over another).

**As to dependent claim 5**, Bagnas teaches *wherein the appearance changing unit, when the visibility determining unit determines that the first object hides the second object, changes the appearance of the first object into semi-transparent* (Fig. 6A → this taught by overlapping window still having its visual attributes displayed while allowing the window that it overlaps to be viewed).

**As to dependent claim 6**, Bagnas teaches *wherein the second object includes a plurality of existing objects* (Fig. 6A), *and the appearance changing unit alters transparency of the first object depending on a state of overlapping of the existing objects* (column 5 lines 6-11 → taught as the selected pixels will determine the way in which the window will be viewed).

**As to dependent claim 7**, Bagnas teaches *wherein the appearance changing unit alters transparency of the first object depending on color of the second object* (column 4 lines 16-30,

column 5 lines 6-34 → taught as the color of the pixel in the window being overlapped will effect the transparency of the overlapping window).

*Response to Arguments*

4. Applicant's arguments with respect to claims 1-9 have been considered but are moot in view of the new ground(s) of rejection as necessitated by the amendment, which when interpreting the claim as a whole significantly changes the scope of the claim.

*Conclusion*

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

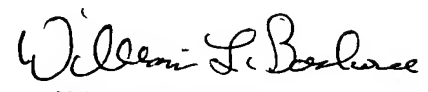
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrea N. Long whose telephone number is 571-270-1055. The examiner can normally be reached on Mon - Thurs 6:00 am to 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug Hutton can be reached on 571-272-4137. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Andrea Long  
07/28/2007

  
**WILLIAM BASHORE**  
**PRIMARY EXAMINER**